

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ACCESS 4 ALL, INC. and FELIX ESPOSITO,

Plaintiffs,

v.

MASSACHUSETTS MUTUAL LIFE
INSURANCE CO.,

Defendant.

NO. 1: 04CV12240 (GAO)

LOCAL RULE 16.1 AND FEDERAL RULES OF CIVIL PROCEDURE 26(f)
JOINT STATEMENT

Pursuant to Local Rule 16.1 and Federal Rule of Civil Procedure 26(f), Plaintiffs Access 4 All, Inc. and Felix Esposito (Plaintiffs”), and Defendant, Massachusetts Mutual Life Insurance Co. (“MassMutual”) (collectively, “the Parties”), have conferred through counsel and hereby submit this Joint Statement in anticipation of the Initial Scheduling Conference, a date for which has not been set:

1. Matters to be Discussed at Conference. The Parties will appear prepared to discuss the following issues:
 - a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
 - b. Anticipated dispositive and pre-trial motions;
 - c. Alternative Dispute Resolution; and
 - d. Settlement.

2. Trial by Magistrate Judge. At this time, the parties are not prepared to consent to trial by a Magistrate Judge.
3. Joint Discovery Plan
 - a. The Parties propose to make the automatic disclosures required by Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(A) on or before February 28, 2005.
 - b. The Parties agree that discovery may commence immediately following the deadline for the automatic disclosure provisions set forth above. The Parties agree that discovery shall be limited in accordance with Local Rule 26.1(C), but that either Party may request additional discovery in accordance with Local Rule 26.2(B).
 - c. Disclosure of expert testimony shall be in accordance with Fed. R. Civ. P. 26(a)(2), except that such expert disclosures shall be made on or before May 2, 2005. Disclosure relating to rebuttal testimony shall be made in accordance with Fed. R. Civ. P. 26(a)(2).
 - d. All discovery shall be completed on or before October 31, 2005.
4. Scheduling of Motions
 - a. Motions for Joinder/Amendment – Such motions shall be filed or before 120 days prior to the close of discovery.
 - b. Dispositive Motions – Such motions shall be filed on or before November 30, 2006. Opposition to such a motion shall be filed within thirty (30) days of service of the original motion. The moving party may serve a reply brief within fifteen (15) days of the service of the opposition.

5. Local Rule 16.1(D) Certifications

The certifications required by Local Rule 16.1(D)(3) shall be filed separately by the Parties prior to the date of the Initial Scheduling Conference.

6. Subjects on which Discovery will be Needed

At this time, the Parties anticipate that discovery will be needed on the following issues: (1) the existence of any architectural barriers to accessibility at the subject facility; (2) whether the removal of such barriers is readily achievable; (3) the nature and cost of any alterations that have been made at the facility after January 26, 1992; (4) To the extent there have been any alterations after January 26, 1992, whether such alterations were made in accordance with the ADA Accessibility Guidelines to the extent feasible; (5) the basis of plaintiffs' standing to bring this lawsuit; (6) efforts made by the defendants to provide equivalent facilitation to the extent there are any architectural barriers at the property. The parties reserve the right to seek discovery on other subjects as their relevance becomes apparent.

Dated: January 31, 2005

Respectfully submitted,

MASSACHUSETTS MUTUAL LIFE
INSURANCE CO.,
By its attorneys,

/s/ Heather C. Krauss

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